REMARKS

This amendment is being filed in response to the Final Office Action mailed May 28, 2003. Support for the expression "self-sealing" can be found in the original specification and as noted by the Examiner in the Action. The other amendments are simply correcting typographical/format errors. Accordingly, no new matter has been added by this amendment. Reconsideration of this application is respectfully requested in view of the above amendments and further in view of the following remarks.

Claims 1-6, 8, 10, 13, 14 and 20 were rejected under 35 USC §103 as being unpatentable over EP 560 014 ('014) in view of EP 666 081 ('081). Applicants respectfully traverse this rejection.

Once again, applicants submit that there appears to be a basic misunderstanding of the invention. The invention is not simply substituting one *liquid* in an aerosol device for another. The composition claimed in the present invention is in gel form while stored in the aerosol container, and it remains in gel form when contacted with a wound surface. The composition in the '014 document, however, is in *liquid* form in the container, and coagulates or solidifies to form a "film" on tissue upon contact with an aqueous based fluid. The focus of the invention in the '014 document is on the *liquid* in the dispensing device. (The dispensing device need not even be an aerosol device.) Since that is the focus of the invention, there is no reason other than hindsight to substitute the composition of the '081 document for the composition of the '014 document.

Additionally, the present invention claims an aerosol barrier vessel where there is positive pressure in the container – making the vessel self-sealing – which aids in the maintenance of product sterility. This allows the present invention to dispense multiple doses while the risk of contamination of the gel is minimized. There is nothing in the '014 document to suggest that it is self-sealing.

It was asserted in the Action that the self-sealing feature is not recited in the rejected claims. Applicants submit that an aerosol barrier vessel where there is positive in the container is a self-sealing vessel. So that there is no doubt, applicants have added the expression "self-sealing" to the claims.

Further, while the composition in the '081 document is a gel, the '081 document does not provide that which is missing in the '014 document – namely, a method of and vessel for safely and efficiently holding and dispensing multiple doses of wound-treating gel from a self-sealing barrier aerosol vessel where the gel is in gel-form in the container. The mention of a "nozzle" in the '081 document does not provide the suggestion to use a self-sealing barrier aerosol vessel any more than any other delivery vessel. Obvious to try is not the test for obviousness. Moreover, the '081

document does not disclose the vessel's inherent self-sealing characteristic that minimizes contamination of the gel after the dispensing vehicle's initial use.

For all these reasons, applicants submit that the claimed invention is patentable over the cited art, and they request that this rejection be withdrawn.

Claims 9, 15 and 17-19 were rejected under 35 USC §103 as being unpatentable over EP 560 014 ('014) in view of EP 666 081 ('081) as above, and further in view of US 5059187 (Sperry et al.). Applicants respectfully traverse this rejection as well.

According to the rejection, Sperry et al. teach the claimed aerosol container and method for cleaning the wound. Applicants strenuously disagree. In fact, Sperry et al. teach away from the present invention in at least two important ways. First, Sperry et al. do not teach or suggest a dispensing vehicle that contains multiple doses of wound-treating material. Instead, Sperry et al. teach away form a multiple dose container stating that "the container and method ... [is such that] the container contains enough wound cleaning solution to irrigate the average wound or abrasion." (See col. 1, lines 52-56.) Thus, although the contents of the container in Sperry et al. can be sterilized, Sperry et al. do not disclose a dispensing device that can contain more than a single dose of wound-treating material. Thus, nothing in Sperry et al. suggests a wound gel dispenser capable of dispensing multiple doses while keeping the wound gel contents reasonably free of contaminants. Moreover, this is somewhat contrary to the assertion in the Action that Sperry et al. "is silent regarding the plurality of doses". Sperry et al. could be considered silent as to a plurality of doses because Sperry et al. only contemplate one dose. Again see column 1, lines 52-56.

A second way in which Sperry et al. teach away from the present invention is in the fact that Sperry et al. disclose a method of dispensing liquid, not gel, to a wound. This method lacks the complicating factors of dispensing a gel that is in gel-form within the container.

Thus, Sperry et al. do not make up for the deficiencies of the '014 and the '081 documents. For all these reasons, applicants request that this rejection be withdrawn.

In view of the foregoing, entry of this amendment, reconsideration of this application, withdrawal of the rejections and allowance with all the pending claims is respectfully requested.

Respectfully submitted,

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